

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILMINGTON DIVISION**

IN RE:

ROBERT PAUL SHARPE,

CASE NO.: 23-00607-5-DMW
CHAPTER 13

DEBTOR(S)

MARK EASTHAM and
PETER SPARK,

Plaintiffs,

vs.

PORT CITY CONTRACTING
SERVICES, INC., ROBERT P.
SHARPE, STONE BAY TACTICAL,
LLC, and SRS SUPPLY, LLC,

Defendants.

ADVERSARY PROCEEDING NO.:
23-00089-5-DMW

STATEMENT UNDER RULE 9027(e)(3)

Pursuant to Rule 9027(e)(3) of the Federal Rules of Bankruptcy Procedure, Algernon L. Butler, III, Chapter 7 Trustee for the Estate of Port City Contracting Services, Inc. ("PCCS Trustee"), by and through special counsel, files the following statement:

1. Port City Contracting Services, Inc. ("PCCS") filed a Voluntary Petition for relief under Chapter 7 of the Bankruptcy Code on December 16, 2022. Algernon L. Butler, III serves as the duly appointed Chapter 7 Trustee of this case. PCCS's bankruptcy case is also pending before the Bankruptcy Court and identified by case number 22-02917-5-DMW.

2. On March 3, 2023, Robert Paul Sharpe, filed a Voluntary Petition for relief under Chapter 13 of the Bankruptcy Code. Joseph A. Bledsoe serves as the duly appointed Chapter 13 Trustee of this case. The Debtor's bankruptcy case is now pending in the United States Bankruptcy Court for the Eastern District of North Carolina (the "Bankruptcy Court") and identified by case number 23-00607-5-DMW.

3. The Bankruptcy Court has jurisdiction over this bankruptcy proceeding pursuant to 28 U.S.C. §§ 157(b)(2)(A), 157(b)(2)(B) and 1334(b) and the General Order of Reference entered in the Eastern District of North Carolina on August 3, 1984, referring all bankruptcy matters to the Bankruptcy Court.

4. On the Petition Date, a civil action captioned Mark Eastham and Peter Spark v. Port City Contracting Services, Inc., Robert P. Sharpe, Stone Bay Tactical, LLC, and SRS Supply, LLC, and known by file number 22 CVS 1507 (the "Superior Court Action") was pending in the Superior Court of New Hanover, North Carolina (the "Superior Court"). The Superior Court Action was initiated on or about May 4, 2022.

5. Port City Contracting Services, Inc. was a party to Superior Court Action that has been removed to this Court. Upon the filing of PCCS's Chapter 7 Petition, the Superior Court Action was stayed by operation of 11 U.S.C. § 362(a). The automatic stay has not been lifted and remains in effect as to the Plaintiffs' claims against PCCS in the PCCS Chapter 7 case.

6. As the PCCS Trustee has not been substituted for PCCS as a party to this action, the PCCS Trustee contends and does not waive his position that he is not a party to this action at this time.

7. However, to the extent he may be required to do so, the PCCS Trustee files this statement as informational that he consents to the entry of final orders or judgment by the Bankruptcy Court in this action.

Respectfully submitted this 10th day of October, 2023.

RICHARD P. COOK, PLLC

/s/ Richard P. Cook

Richard P. Cook

Special Counsel

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CERTIFICATE OF SERVICE

The undersigned certifies, under penalty of perjury, that he is over eighteen (18) years of age and that the:

STATEMENT UNDER RULE 9027(e)(3)

Was served upon the below named parties, and/or their counsel, by mailing postage prepaid, first class mail to the address(es) shown below, via email transmission, or via CM/ECF where indicated:

Via CM/ECF

Algernon L. Butler, III
Chapter 7 Trustee for PCCS

John C. Bircher III
Attorney for Mark Eastham and Paul Spark
Davis Hartman Wright, LLP

Via First Class Mail

Robert Paul Sharpe
245 Royal Fern Road
Wilmington, NC 28412

Port City Contracting Services, Inc.
2017 Corporate Drive Unit 4
Wilmington, NC 28405

Stone Bay Tactical, LLC
2017 Corporate Drive Unit 4
Wilmington, NC 28405

SRS Supply, LLC
245 Royal Fern Rd
Wilmington, NC 28412

Dated: October 10, 2023

RICHARD P. COOK, PLLC

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